

FILING FEE INCREASES

\$250 Filing Fee for Complaints in Adversary Proceedings Effective September 20, 2005. At its June, 2005 meeting, the Committee on Court Administration and Case Management of the Judicial Conference of the United States unanimously approved an increase in the fee for filing a complaint to commence an adversary proceeding. The increase, which had been endorsed by the Committee on the Administration of the Bankruptcy System, will raise the fee from \$150 to \$250, the same amount as the fee for filing a civil action in the District Court. (The filing fee for motions for relief from the automatic stay remains at \$150.)

Petitions to Commence a Bankruptcy Case. Effective **October 17, 2005**, the filing fees for bankruptcy petitions will change as follows.

- **Chapter 7 - \$274** (increase from \$209)
- **Chapter 11 - \$1,039** (increase from \$839)
- **Chapter 13 - \$189** (decrease from \$194)



Upgrade of U.S. Treasury Credit Card Module Does Not Support Netscape Version 4.7. Effective **August 28, 2005**, Netscape version 4.7 will no longer function for CM/ECF users making payments through the U.S. Treasury Credit Card Payment module. Internet Explorer 5.5 or higher will be the only browser supported by an upgrade to the Treasury's Pay.gov system, scheduled to be deployed on that date. Although other browsers - newer versions of Netscape and Firefox - may work, filers may not receive help desk support in case of problems when using them. Note: Netscape 4.7 will continue to work in CM/ECF, except for credit card payments.

Credit Card Payment of Pro Hac Vice Assessment. The court now accepts payment of the \$225 assessment for appearing pro hac vice through the U.S. Treasury Internet Credit Card Module in CM/ECF. An ECF filer will be prompted for credit card payment at the end of filing, just as with other docket events requiring a filing fee. If the motion to appear pro hac vice is filed on paper, the check should be made payable to "Clerk, U.S. Bankruptcy Court."

New Online Calendar for Meetings of Creditors. A new calendar (pictured above) for 341 meetings is available at the court's website. Click on the button "Court Calendars" and select your search criteria.

Proposed Orders. When submitting proposed orders to chambers by email, please remember the following requirements:

- Enter Case No. and matter in the email subject line
- Leave sufficient space for the judge's PDF signature
- Do not put lines for Date or Judge's signature
- Reference the related docket entry (motion)
- Except for FOF/COLs, submit orders only as PDFs
- Do not email if subject to 5-day objection period.

"Text-Only" Withdrawals of Documents. There is a new docket event for ECF users under Miscellaneous Documents: ***Withdrawal of Motion, Objection, or Other Document (Text Entry - No PDF)***. When withdrawing a document such as a motion for relief from stay or an objection to plan confirmation, a filer need not prepare a written document and upload the PDF. Rather, selecting this event will prompt the filer for the name of the document being withdrawn. The docket entry will look similar to the following.

Withdrawal of TRUSTEE'S MOTION TO DISMISS. The aforementioned document is hereby withdrawn by HOWARD M. S. HU, STANDING TRUSTEE. Notice will be provided to any parties in interest not receiving electronic notice of the withdrawal. /s/ Howard M.S. Hu
This withdrawal is set forth in its entirety on the docket and in the Notice of Electronic Filing created by this entry. No document is attached.

BAPCPA

Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. This became law on April 20, 2005, resulting in substantial and wide-ranging changes to the Bankruptcy Code and Rules. Most provisions become effective for cases filed on and after October 17, 2005, although some provisions are already in effect. For the latest information, check the court's web page on **BAPCPA** for useful links to information published by the Judiciary, the United States Trustee Program, the Internal Revenue Service, and the American Bankruptcy Institute. In addition to links to the act, House Report on the legislation, and a blackline version of the Code illustrating the changes, there soon will be links to a multitude of new and revised forms, including draft versions of the *Statement of Current Monthly Income and Means Test Calculation* for different chapters.

Consumer Bankruptcy Reform 2005 "A Brave New World". Are you a "DRA"? Does your client have an arrearage on a "DSO"? What is Chapter 15? How do I perform the means test calculations? How do I figure my client's disposable income and the applicable commitment period for a Chapter 13 plan? What are the different requirements for obtaining credit counseling and debtor education? Bankruptcy practice will be changing drastically on October 17, 2005. New statutory provisions, new rules, new procedures, new forms. To prepare yourself for the changes you must not miss **Consumer Bankruptcy Reform 2005 - "A Brave New World"** being presented by the Hawaii State Bar Association on September 30, 2005 at the Hilton Hawaiian Village.

Changes to CM/ECF. BAPCPA and related rule changes will require updating the CM/ECF system. The upgraded application, Version 2.7, will be released in early September and should be in place to accommodate the new procedures and types of documents that will need to be filed with the court on and after October 17. In addition, a major upgrade to CM/ECF, Release 3.0, should be implemented by the middle of next year.

Modified Proof of Claim Form. Official Form B10 for filing a proof of claim has been modified to allow entry of more than one address for a creditor. It is not uncommon for a creditor to request that notices be sent to one address (of the creditor's attorney or other agent) and that payments be sent to another address. The court has modified the form to include separate fields for noticing and payment, as seen in this illustration.

U.S. BANKRUPTCY COURT DISTRICT OF HAWAII		PROOF OF CLAIM	
Debtor or Joint Debtors:	Case Number:	Chapter:	
Name of Creditor:			
Address where NOTICES should be sent: (correct address here if needed)		Address where PAYMENTS should be sent (if different)	
Telephone Number:			

This form is available as a "fillable" PDF at the court's website. Please note that an updated version will be posted soon, revising the section to comply with the new priority given to domestic support obligations under 11 U.S.C. § 507(a)(1), effective October 17, 2005.

Creditor Matrix vs. Party or Participant List. When filing a claim, the creditor is selected from the creditor matrix (submitted by the debtor when the petition is filed) or, if not on the matrix, the creditor is added to that list. Being placed on the creditor matrix typically results in receiving BNC notices sent to all creditors, e.g., discharges and notices of dismissals. However, persons on the creditor matrix do not automatically receive email notices of electronic filing. Attorneys wishing to receive email notices in a particular case must file a notice of appearance or a request for notice on behalf of his or her client as a party. Doing this will add the attorney to the email notice list.



CourtNotes. This email newsletter is intended to keep the local bar informed about CM/ECF and other court news and procedures. If you wish to be added to (or removed from) the court's email list for receipt of this newsletter, or if you have any comments or questions, please email mark@hib.uscourts.gov or michael_dowling@hib.uscourts.gov.

HAWAII STATE BAR ASSOCIATION PRESENTS...

Consumer Bankruptcy Reform 2005 "A Brave New World"

Friday, September 30, 2005
8:15 a.m. to 4:30 p.m.
(Breakfast & registration begins at 7:30 a.m.
Lunch is included)
Hilton Hawaiian Village, Coral Ballroom
Honolulu, Hawaii

Program Chair: Bradley R. Tamm
Co-Sponsor: HSBA Bankruptcy Law Section

Registration fee includes Collier's 2005 Bankruptcy Code (Lexis Publishing, a \$59.95 value!), and Bestcase Solutions Ch 7, 11 & 13 bankruptcy software!

The faculty includes United States Bankruptcy Judge Robert J. Faris, Curtis B. Ching of the Office of the United States Trustee, Chapter 13 Trustee Howard M.S. Hu, Chapter 7 Trustee Ronald K. Kotoshirodo, and bankruptcy practitioners Chuck C. Choi, James N. Duca, Jerrold K. Guben, Steven Guttman, Elizabeth A. Kane, and Bradley R. Tamm.